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Ser. No. 09/308,017

**REMARKS**

Claims 1-43 are pending in the present application. Claims 1-8, 10, 12-16 and 18-21 are rejected under 35 U.S.C. § 103(a) as obvious over Sizer et al., U.S. Patent No. 5,923,252 in view of Frey, U.S. Patent No. 5,138,638. Claims 9, 11 and 17 are rejected under 35 U.S.C. § 103(a) as obvious over Sizer et al. in view of Frey and further in view of Fraser, U.S. Patent No. 5,620,061. Claims 22-26 and 28-29 are rejected under 35 U.S.C. §103(a) as obvious over Frey in view of Sizer et al. Claim 27 is rejected under 35 U.S.C. §103(a) as obvious over Frey in view of Sizer et al. and further in view of Fraser. Claims 30-42 are newly added.

Since the present application is a national stage application of a PCT application, the priority document was filed with the International Bureau. The Examiner is respectfully requested to obtain the priority document from the PCT/designated office unit in the U.S. Patent Office and acknowledge receipt thereof in the next Office Action.

**Rejections Under 35 U.S.C. §103(a)**

The Examiner rejects claims 1-29 as obvious over a combination of Sizer and Frey or Sizer, Frey and Fraser. Applicant respectfully traverses these rejections.

The Examiner relies on the Frey reference for teaching the claimed feature that potential customers are detected in direct sequence. Frey, however, does not

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detect potential customers in direct sequence. Rather, Frey teaches that an accurate measurement of potential customers requires a distinguishment between potential purchasers and those who are not. This distinguishment can be based on a height criteria. Thus, Frey determines potential customers based upon specific criteria. (See Frey column 2, line 60 - column 3, line 4). Although Frey counts all persons as they enter the store, potential customers are not detected in direct sequence. For example, an individual who meets certain height criteria may enter, followed by an individual who does not meet height criteria, then later followed by an individual who meets height criteria. The potential customers are not detected in direct sequence. They are separated by the individual who does not meet height criteria, thereby breaking the sequence. This is more significant in light of recent investigations which show increasing influence of children on purchasing decisions.

In addition, direct sequence data is not evaluated as in the presently claimed invention. Rather, Frey teaches away from evaluating direct sequence data because it is not an accurate measure of conversion rate (see Frey, column 2, lines 60-68). Thus, the cited art would have no occasion to evaluate data as in the present invention.

Furthermore, Sizer advertises for a product for which a customer has already shown interest. The lingering of the customer in front of the product is a prerequisite for setting the advertising per display in motion at all. To the

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contrary, the present invention is concerned with arousing the interest of the customers for products in order to lead to a sale.

Accordingly, as the claimed invention is not taught or suggested by the cited art, it is respectfully requested that all rejections under 35 U.S.C. §103(a) be withdrawn.

#### Newly Added Claims

It is respectfully submitted that newly added claims 30-42 are allowable over the cited art for the reasons set forth above and for reciting, either indirectly or directly, the location of the advertising region and the sales region and the location of the display.

#### Fees

Fourteen further claims in excess of twenty are added. Two further independent claims in excess of three are added. Accordingly, please charge the fee of \$210.00 to Deposit Account No. 10-1250.

Applicant respectfully requests a two month extension of time for responding to the Office Action. Please charge the fee of \$200.00 for the extension of time to Deposit Account No. 10-1250.

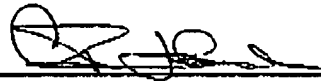
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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,  
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